

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHERI HYDE,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,<sup>1</sup>

Defendant.

No. 1:16-CV-3065-JTR

ORDER GRANTING STIPULATED  
MOTION FOR REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 22. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Terrye Erin Shea represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion For Remand, **ECF No. 22**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

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<sup>1</sup>Nancy A. Berryhill became the Acting Commissioner of Social Security on January 20, 2017. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill is substituted for Carolyn W. Colvin as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of 42 U.S.C. § 405(g).

1 On remand, the administrative law judge (ALJ) shall hold a new hearing and  
2 issue a new decision. The ALJ shall: (1) reassess the opinions of treating  
3 orthopedic surgeon, Dan Hiersche, M.D., treating physician's assistant, Alexander  
4 Bertelsen, PA-C, examining physician, Marie Ho, M.D., and reviewing physician,  
5 Guillermo Rubio, M.D.; (2) reassess Plaintiff's subjective complaints residual  
6 functional capacity (RFC) in light of the preceding assessments; and (3) reassess  
7 the other steps in the sequential evaluation process as necessary.

8 The ALJ may take any other actions necessary to develop the record, and  
9 Plaintiff may submit additional evidence and present additional argument.

10 2. **Judgment shall be entered for PLAINTIFF.**

11 3. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is  
12 **STRICKEN AS MOOT.**

13 4. An application for attorney fees may be filed by separate motion.

14 The District Court Executive is directed to enter this Order, forward copies  
15 to counsel, and **CLOSE THE FILE.**

16 DATED January 23, 2017.



A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE